

REMARKS/ARGUMENTS

The office action of April 6, 2005 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-6, 8-14, 19-26, 28 and 30-34 remain pending in this application.

Claims 1-6, 8, 9, 11-13, 19-26, 28 and 31-33 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 6,487,590 to Foley et al. ("Foley") in view of U.S. patent no. 6,339,790 to Inoue. Applicants respectfully continue to traverse this rejection.

In the last response, applicants asserted that Foley failed to teach or suggest an event manager that, when polled by a client, providing the client with an update of any changes to the properties to which the client has subscribed as recited in claim 1. In contrast, Foley centralizes polling of attributes for each network element in an object server 25 (Fig. 1). As such, Foley provides an automated technique to keep up on attribute changes where each client application registers with the object server once and, for each registered attribute, receives real time status updates or notification of events, alarms or configuration changes. In the Foley scheme each client application *makes a single request up front by registering* for current status and configuration information about selected attributes and receives notification of changes via callback. Thus, the object server, and not any client application, periodically polls each attribute which one or more clients has requested to be monitored.

Responding to applicants' position, the action contends that "poll the event manager" can be read on the client contacting the broker (event manager) disclosed in Foley. Applicants respectfully disagree. Registration with an object server, broker or event manager is not the same or equivalent to polling; polling is the repeated checking of other programs or devices by one program or device to see what state they are in. Clearly, polling has a distinct connotation to those skilled in the art, which does not encompass mere up front registration. Moreover, claim 1 calls for the event manager to provide the client with an update of any changes to the properties *when* polled by the client. In this context, the term "when" means "at that time"; which is wholly consistent with the understanding of polling, and wholly inconsistent with *a single request up front through registration* followed by the receipt of real time status updates or notification of events, alarms or configuration changes as disclosed in Foley. In view of the above, Foley lacks

a teaching or suggestion of an event manager that, when polled by a client, providing the client with an update of any changes to the properties to which the client has subscribed as recited in claim 1.

Inoue does not remedy this deficiency. The action seems to imply that Inoue when combined with Foley somehow remedies this defect. Applicants respectfully disagree and continue to assert that one skilled in the art would not have combined Foley and Inoue. As emphasized in the last response, Foley criticizes systems in which the client polls a network element when status is needed in the Background of the Invention section at col. 1, lines 27-35 as follows:

In these systems, the polling may not be coordinated and is replicated for each client, if each client is interested in the same attributes. Also, each of the clients receive the full results for each polling cycle (even if there was no change from the last cycle) increasing the bandwidth used to communicate between the client application and the network element.

While recognizing the problem of receiving full results for polling, Foley teaches away from client polling of attribute status and instead takes a wholly different approach by providing for automatic updates in response to up front registration effectively eliminating client polling altogether.

Moreover as discussed in the last response, the motivation relied on by the action for combining Inoue with Foley, “allowing for the management system to not have to keep a log of all records that have been sent and simply send those that have changed since the last request”, would not have caused one skilled in the art to modify Foley with Inoue. Notably, Foley has identified this problem in its Background of the Invention section as noted above, and pursued a wholly different avenue to solve the problem. As discussed, Foley has effectively eliminated client polling of attribute status and provided each client automatic updates of attribute status for attributes the clients have selected when there are changes to those attributes. Stated differently, Inoue provides nothing to Foley; Foley’s object server does not need to know, have any use for or even care when the client last queried the event manager for property change information. Even assuming that Inoue shows the event manager having a client time stamp indicating when the client last queried the event manager for property change information as recited in claim 1,

that information is not relevant or useful to the Foley scheme, and one skilled in the art would not have been motivated to modify Foley to include such a feature.

In view of the above, applicants submit that the combination of Foley and Inoue is improper. For at least this reason, claim 1 is patentably distinct from the combination of Foley and Inoue. Claims 2-6, 8, 9, and 11-13, which ultimately depend from claim 1, are patentably distinct from the applied art for the same reasons as their ultimate base claim, and further in view of the advantageous features recited therein.

For example, and as discussed in the last response, claim 5 recites that the event manager has a custom container identifying each control object based on locations of each of the associated plurality of software controllable devices. The action points to Figure 4 of Foley to show this feature. Yet, Figure 4 of Foley is wholly devoid of a teaching or suggestion of a custom container identifying each control object based on locations of the software controllable devices as recited in claim 5. The action responds to this argument by pointing to col. 9, lines 60-67 of Foley. Notwithstanding, this section only indicates that a device has an associated logical number, which serves as an identifier; nothing suggests a custom container identifying each control object *based on locations* of each of the software controllable devices.

As to independent claims 19 and 21, applicants continue to submit that one skilled in the art would not have been motivated to modify Foley with the features allegedly found in Inoue as asserted in the action. As discussed above, Foley does not need to know, have any use for or even care when the client last queried the event manager for property change information. The motivation relied on by the action for combining Inoue with Foley, “allowing for the management system to not have to keep a log of all records that have been sent and simply send those that have changed since the last request” would not have motivated one skilled in the art to modify Foley with Inoue. Indeed, Foley has identified this problem in its Background of the Invention section as discussed above with respect to claim 1, and pursued a wholly different avenue to solve the problem. Specifically, Foley provides each client automatic updates of attribute status for attributes the clients have selected when there are changes to those attributes.

In view of the above, Applicants submit that the combination of Foley and Inoue is improper. For at least this reason, independent claims 19 and 21 are patentably distinct from the

combination of Foley and Inoue. Claim 20, which depends from claim 19, and claims 22-26, 28 and 31-33, which each directly or indirectly depend from claim 21, are patentably distinct over the applied art for the same reasons as their base claim, and further in view of the additional advantageous features recited therein. For example, claim 25 recites that the event manager has a custom container identifying each control object based on locations of each of the associated plurality of software controllable devices, which as discussed above with respect to claim 5 is neither taught nor suggested by Foley or Inoue alone or in combination.

Claims 10 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Foley in view of Inoue as applied to claims 1 and 21, respectively, and further in view of U.S. patent no. 6,665,731 to Kumar et al. ("Kumar"). Claims 14 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Foley in view of Inoue as applied to claims 1 and 21, respectively, and further in view of U.S. patent no. 6,546,419 to Humpleman et al. ("Humpleman"). Applicants respectfully traverse these rejections.

Claims 10 and 14 depend from claim 1 and claims 30 and 34 depend from claim 21. Neither Humpleman nor Kumar overcome the deficiencies noted with respect to Foley and Inoue. As such, claims 10, 14, 20 and 34 are allowable for at least this reason over the applied art.

CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

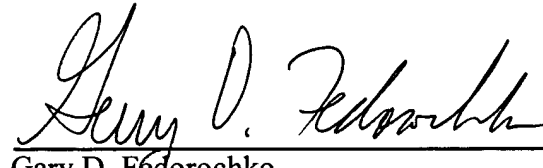
All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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